

Before the
Administrative Hearing Commission
State of Missouri



EDWARD LYNN LOUGHARY,

Petitioner,

vs.

DIRECTOR OF DEPARTMENT OF
INSURANCE, FINANCIAL INSTITUTIONS
AND PROFESSIONAL REGISTRATION,

Respondent.

No. 07-1610 DI

071005369C

ORDER

We deny the motion to dismiss filed by the Director of the Department of Insurance, Financial Institutions and Professional Registration ("the Director").

Procedure

On September 26, 2007, Edward Lynn Loughary filed an appeal of the Director's decision denying his application to renew a bail bond agent license. On March 7, 2008, the Director filed a motion to dismiss Loughary's complaint.

Analysis

The Director argues that we should dismiss Loughary's complaint because it does not set forth facts showing that he is entitled to be licensed.

Our Regulation 1 CSR 15-3.425 allows us to sanction a party who fails to comply with our regulations, but Loughary has sufficiently complied. Loughary has provided enough


information in his complaint and the attached decision of the Director for the Director to determine the basis for Loughary's position that he is entitled to licensure. When an applicant for licensure files a complaint, the agency's answer provides notice of the grounds for denial of the application.¹ The Director's answer in this case provides that notice. We consider the pleadings to be complete unless a party requests leave to amend.

We deny the motion to dismiss.

Summary

We deny the Director's motion to dismiss. We will convene the hearing as scheduled on April 22, 2008.

SO ORDERED on March 10, 2008.



JUNE STRIEGEL DOUGHTY
Commissioner

¹*Ballew v. Ainsworth*, 670 S.W.2d 94, 103 (Mo. App., E.D. 1984).